

REMARKS

The Examiner required restriction of one of the following inventions:

Group I: claims 20-25, drawn to a decoder for processing Pay-TV data; and

Group II: claims 26-40, drawn to a Pay-TV data management system and associated method.

In response to the Examiner's restriction/election requirement,

Applicants elect, with traverse, to prosecute Group II including claims 26-40. Applicants specifically reserve the right to file a divisional application directed to non elected claims 20-25.

With respect to Applicants' traversal, Applicants respectfully note that the current application is a national stage application filed under 35 U.S.C. §371 and therefore a "unity of invention" standard should be applied to determine if a "restriction requirement" is appropriate. However, Applicants submit that the Examiner improperly applied the unity of invention standard in this application.

For example, Applicants submit that there is a common technical feature between the claims of Group I, drawn to a decoder and the claims of Group II, drawn to a Pay-TV data management system including one or more of the decoders (e.g., the special technical feature). See 37 C.F.R. §1.475.

Applicants also respectfully submit that the Examiner would not be unduly burdened if forced to examine both Groups I and II at the same time.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By _____

John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, VA 20195
(703) 668-8000

JAC/JES:psy